UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,326	04/23/2001	Tadamasa Kitsukawa	50P4367	4081

7590	11/16/2005		EXAMINER

John L. Rogitz
Rogitz & Associates
750 B Street, Suite 3120
San Diego, CA 92101

	EXAMINER
	SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/840,326	KITSUKAWA ET AL.
	Examiner	Art Unit
	Vivek Srivastava	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

It is noted that that previous Examiner of Record, Kirubel Aklilu, is no longer Examining the instant Application.

Response to Arguments

Applicant argues, Independent claim 21 has not been amended because it is not believed that the relied-upon TV schedule of Williams et al is downloaded from a predicted content source, but instead form a source of TV schedules that is not necessarily itself a source of the predicted content.

The Examiner concurs. However, as discussed below, a different read of Williams meets the claimed limitation. Please find a new grounds for rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 – 24 rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al (US 5,977,964).

Regarding claim 21, Williams discloses a method for providing Internet content

(see col. 6 lines 10 – 30) via an interactive television system (see col 3 lines 50 – 52),

monitoring usage of the interactive television system (see col. 7 lines 1 – 10) by

determining the amount of time a user spends logged onto a particular web page (see

col 8 lines 19 – 24) to update and refine the user preference information stored in the

user profile (see col 8 lines 14 – 24). It is noted that Williams discloses the claimed

"monitoring usage of the interactive television system".

Williams further disclose establishing user preferences and a user profile, based

on the monitoring (see col. 7 lines 1 – 20, see col 8 lines 14 – 24) as discussed above

and thus discloses the claimed "establishing usage patterns for at least on consumer".

Williams still further discloses "a system controller 104 may develop a

customized news program, actively accumulating news stories that are particularly

relevant of particular interest to the current user from any of the **plurality of the**

programming sources identified above" (see col. 6 lines 45 – 50). It is the noted that

sources disclosed in Williams include cable, satellite, telephone/computer network, etc.

(see col. 4 lines 28 - 37), and that stock quotes and customized news stories (see col.

10 – 48) are downloaded from a source based on a user's access patterns.

In an alternate embodiment, Williams discloses monitoring the usage of a

interactive television system by determining which programming source a user records

a program from and at what time (see col. 12 lines 53 – 67) and creates a behavior log

from this information. It is noted that the behavior log meets the claimed "usage

patterns" limitation. Williams further discloses based on the behavior pattern,

determining a break in the recording pattern, i.e. if a user typically records from a

program source everyday at the same time, and fails to set a recording request for that

programming source, to automatically records the program (see col 13 lines 26 – 62). It

is noted that Williams discloses predicting that the user will want to record from the

source although there is a break in the recording pattern and thus discloses the claimed

"predicting at least one content source at least partially based on the usage patterns"

and "downloading content from the predicted content source based on the usage

pattern". It is further noted that Williams discloses a programming source as the cable,

satellite and the Internet (as discussed above).

Regarding claim 22, Williams discloses the claimed "predicting at least one

content source at least partially base don the content access patterns; and downloading

content based on the predicted content source" as discussed in claim 21 above.

Regarding claim 23, Williams discloses the claimed "predicting at least one

content source based at least partially on the request for content patterns" as discussed

in claim 21 above. Williams further discloses prompting the user to accept content from

the source prior to setting the content source for recording (see col. 13 lines 46 – 62). It

is noted that monitoring the user's recording pattern and establishing a behavior log

establishes a request for content patterns for future request for recording of programs

including a break in the pattern (see col. 13 lines 26 – 62).

Regarding claim 24, Williams discloses recording or downloading if the user

accepts the prompt for recording (see col. 13 lines 46 – 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Williams et al (US 5,977,964) in view of Alexander et al (US 6,177,931).

As for Claim 1, Williams et al. teach a method for providing Internet content via

an interactive television system (see fig. 1 system 100 that represents a number of

components that make up an entertainment system (including an interactive television

system). See col. 2 lines 29-31. Also col. 5 lines 31-35 teach the system can be used

to access information from the Internet "In one embodiment, the user is "surfing" the

Internet via system controller 104 and a modem (not shown) coupled to telephone

/network communications 1/0 128."), comprising the acts of:

monitoring usage of the interactive television system (see col. 2 lines 11-14 "In

accordance with the teachings of the present invention, a method and apparatus for

automatically configuring a system based on a user's monitored system interaction and

preferred system access times is provided.'";

establishing content access patterns for at least one consumer (col. 2 lines 15-18

"According to one embodiment, a user profile corresponding to the user is updated

based at least in part on the monitored user interaction with the system.");

predicting at least one access time at least partially based on the content access

patterns (col. 2 lines 18-22 "Preferred system access times of the user are identified

based at least in part on the user profile, and the system is automatically configured

based at least in part on the user profile and the user's preferred system access

times."); and

downloading content based on the predicted access time (see col. 7 lines 59-63

"According to another embodiment of the present invention, the television schedule grid

displays the programming options available only during a particular time period(s) of the

day based on the user's preferred system access times." The television schedule grid

are interpreted to be the downloaded content.)

Williams fails to disclose the content downloaded are streams of audio-video

content.

In analogous art, Alexander teaches transmitting a EPG with advertisements,

and teaches advertisements may be in the form of graphics, text, **video clips, audio**

clips and combination thereof (see col. 34 lines 10 – 25). Alexander further teaches

the present invention is an **improvement** over previous EPG's in that it provides

improved opportunities for the commercial advertiser to reach the viewer and

improved product information access by the viewer (see Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Williams to include the claimed downloading

streams of audio-video entertainment in the EPG of Williams for the benefit of providing

improved opportunities for the commercial advertiser, improved product information

access by the viewer while at the same time entertaining the viewer while the viewer

view's the EPG.

As for Claim 2, Williams et al. teach a method for providing Internet content via

an interactive television system, comprising the acts of:

monitoring usage of the interactive television system (see col. 2 lines 1 1-14 "In

accordance with the teachings of the present invention, a method and apparatus for

automatically configuring a system based on a user's monitored system interaction and

preferred system access times is provided.");

establishing usage patterns for at least one consumer (col. 2 lines 15-18

"According to one embodiment, a user profile corresponding to the user is updated

based at least in part on the monitored user interaction with the system.");

predicting at least one time of usage at least partially based on the usage

patterns (col. 2 lines 18-22 "Preferred system access times of the user are identified

based at least in part on the user profile, and the system is automatically configured

based at least in part on the user profile and the user's preferred system access

times."); and

downloading content relevant to the usage based on the predicted time of usage

(see col. 7 lines 59-63 'According to another embodiment of the present invention, the

television schedule grid displays the programming options available only during a

particular time period(s) of the day based on the user's preferred system access times."

The television schedule grid is interpreted to be the downloaded content that is relevant

to the usage based on the predicted time of usage).

Williams fails to disclose the content downloaded are streams of audio-video content.

In analogous art, Alexander teaches transmitting a EPG with advertisements, and teaches advertisements may be in the form of graphics, text, **video clips, audio clips and combination thereof** (see col. 34 lines 10 – 25). Alexander further teaches the present invention is an **improvement** over previous EPG's in that it provides **improved opportunities** for the commercial advertiser to reach the viewer and **improved product information access** by the viewer (see Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Williams to include the claimed downloading streams of audio-video entertainment in the EPG of Williams for the benefit of providing improved opportunities for the commercial advertiser, improved product information access by the viewer while at the same time entertaining the viewer while the viewer view's the EPG.

As for Claim 3, Williams et al. teach a usage by the consumer is monitored to establish content access patterns and the method further includes the acts of:

predicting at least one access time at least partially based on the content access patterns (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." **This time period is the time period, identified by system controller 104 based on user profile database 800, during which the user most frequently**

watches television."); and

downloading content based on the predicted access time (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The schedule grid is interpreted to the content downloaded based on the predicted access time).

As for Claim 4, Williams et al. teach the usage by the consumer is monitored to establish start-up patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The starting time of the access times (6:00 pm in this example) is interpreted to be a start-up pattern) and the method further includes the acts of:

predicting at least one start-up time at least partially based on the start-up patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present invention would display only the programming options available during the 6:00 pm to 9:00 pm time period, even if the grid were to be displayed at 10:00 am." 6:00 pm is interpreted to be the start-up time that is predicted based on the users watching pattern); and

downloading content relevant to a gateway screen based on the predicted start-up time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of

various programs can be made via the television schedule grid. In this embodiment, a

user can select a particular portion of the grid by moving a cursor across the grid to a

cell in the grid that contains the title of the program to be selected and then "clicking"

the mouse button while the cursor is within the cell. System controller 104 can then ask

the user whether the selected program is to be watched or recorded and display or

record the program as requested by the user." The schedule grid that is downloaded is

interpreted to be a gateway screen because it provides the gateway for the user to

access the programming that the user wants to watch by clicking on a particular cell of

the grid).

   As for Claim 5, Williams et al. teach the usage by the consumer is monitored to

establish shut-down patterns (see col. 7 line 59- col. 8 line 3 "According to another

embodiment of the present invention, the television schedule grid displays the

programming options available only during a particular time period(s) of the day based

on the user's preferred system access times." The end time of the access times (9:00

pm in this example) is interpreted to be a shut-down pattern) and the method further

includes the acts of:

   predicting at least one shut-down time at least partially based on the shutdown

patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch

television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present

invention would display only the programming options available during the 6:00 pm to

9:00 pm time period, even if the grid were to be displayed at 10:00 am." 9:00 pm is

interpreted to be the start-up time that is predicted based on the users watching

pattern); and

downloading content relevant to a gateway screen based on the predicted shut-down time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of various programs can be made via the television schedule grid. In this embodiment, a user can select a particular portion of the grid by moving a cursor across the grid to a cell in the grid that contains the title of the program to be selected and then "clicking" the mouse button while the cursor is within the cell. System controller 104 can then ask the user whether the selected program is to be watched or recorded and displayed or record the program as requested by the user." The schedule grid that is downloaded is interpreted to be a gateway screen because it provides the gateway for the user to access the programming that the user wants to Watch by clicking on a particular cell of the grid).

As for Claim 6, Williams et al. teach the usage by the consumer is monitored to establish request for content patterns (see col. 13 lines 4-62 "System controller 104 then identifies patterns of recording behavior corresponding to each of the source channels, step 510. System controller 104 can be programmed to identify any of a wide variety of patterns, such as recording the same time period (e.g., 1:30 pm to 2:00 pm, or 6:00 am to 7:00 am) of a particular channel every day for at least a certain number (e.g., two) of immediately preceding days . . ." It is interpreted that the user is requesting the television system to record the programming at the specified times) and the method further includes the acts of:

predicting at least one future request time based at least partially on the request

for content patterns (see col. 13 lines 26-35 "Once the patterns are identified, system

controller 104 compares the identified patterns to the current programmed recording list,

step 515, and checks whether there are patterns identified which are about to be

broken, step 520." When the system checks if the patterns are about to be broken, the

system inherently has predicted what at least one future request time that is based on

the pattern of past requests); and

prompting the consumer to accept content based on the predicted request time

(see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken,

then system controller 104 either prompts the user as to whether the user wants to

record the channel at the time indicated by the pattern," Recoding the content of the

channel is interpreted to be accepting content).

As for Claim 7, Williams et al. teach if the consumer accepts the prompt,

downloading current (see col. 13 lines 49-54 "if there is a pattern which is potentially

about to be broken, then system controller 104 either prompts the user as to whether

the user wants to record the channel at the time indicated by the pattern, or alternatively

automatically programs the device to record, step 525." Recording the material is

interpreted to mean the same as downloading the program).

As for Claim 8, Williams et al. teach an interactive television system, comprising:

at least one Web server having Internet content stored therein (see col. 6 lines

12-16 'In one implementation, system controller 104 retrieves the specific stock quotes

from a predetermined world wide web site on the Internet via telephone/network

interface 128." It is interpreted that the website has a web server that stores the stock

quotes;

at least one interactive television system server (see col. 9 lines 41-44

"Information available on the known system users is contained in a user profile

database (e.g., user profile database 800) which may reside locally within system 100,

or may reside at remote location." The limitation of the interactive television system 100

because the user profile database can be stored locally in system 100)., and

at least one interactive television (see fig. 1 unit 102 Television is interpreted to

be an interactive television), the interactive television receiving Internet content at least

from the Web server (see col. 6 lines 12-16 "In one implementation, system controller

104 retrieves the specific stock quotes from a predetermined world wide web site on the

Internet via telephone/network interface 128."), the interactive television system server

including a program for downloading Internet content to the interactive television at

predicted times (see col. 6 lines 12-16 "In one implementation, system controller 104

retrieves the specific stock quotes from a predetermined world wide web site on the

Internet via telephone/network interface 128." System controller 104 is interpreted to be

the program for downloading the Internet content (stock quotes) from a web server.

Since system 104 downloads the stoke quotes based on the known pattern of the user's

preference (see col. 5 lines 60-64 "user profile database 800 tracks user preferred

channels, volume, program genre information, whether to block content information, and

whether supplemental programming is requested with a particular channel.") it is

interpreted that the stoke quotes are downloaded at predicted times).

Although Williams discloses downloading stock quotes and web page from the Internet, Williams fails to disclose downloading streams of audio-video Internet content as stock quotes are static.

In analogous art, Alexander teaches transmitting customized advertisements (Abstract), and teaches advertisements may be in the form of graphics, text, **video clips, audio clips and combination thereof** can be downloaded from the Internet (see col. 34 lines 10 – 25). Alexander further teaches the present invention is an **improvement** in that it provides **improved opportunities** for the commercial advertiser to reach the viewer and **improved product information access** by the viewer (see Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Williams to include the claimed downloading streams of audio-video advertising internet content for the benefit of providing improved opportunities for the commercial advertiser, improved product information access by the viewer and finally to provide a user with customized audio-video internet content in lieu of just static Internet content.

As for Claims 9-14, the limitations for the claims fall within the limitations of claims 2-7. Claims 9-14 further require a logic means for implementing the limitations of the claims. Williams et al. teaches a computer software program that runs within the interactive television system to carry out the limitations. See col. 15 lines 9-33 "In one embodiment, the innovative features of the present invention discussed above may be implemented as a series of software routines run by system controller 600 of FIG. 6.

These software routines run a plurality or series of instructions to be executed by a processor, such as processor 602 in system controller 600." These software means are interpreted to be the logic means required to carry out the limitations of claims 9-14.

As for Claim 15, Williams et al. teach a method for providing Internet content via an interactive television system (see col. 5 lines 31-35 "In one embodiment, the user is "surfing" the Internet via system controller 104 and a modem (not shown) coupled to telephone/network communications 1/0 128."), comprising the acts of:

predicting at least one time of usage (col. 2 lines 18-22 "Preferred system access times of the user are identified based at least in part on the user profile, and the system is automatically configured based at least in part on the user profile and the user's preferred system access times.") and

downloading, to an interactive television, Internet content relevant to the usage based on the predicted time of usage (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The television schedule grid are interpreted to be the downloaded content that is relevant to the usage based on the predicted time of usage).

As for Claim 16, Williams et al. teach:

monitoring consumer usage to establish content access patterns (see col. 2 lines 11 -14 "In accordance with the teachings of the present invention, a method and apparatus for automatically configuring a system based on a user's monitored system

interaction and preferred system access times is provided.");

predicting at least one access time at least partially based on the content access patterns (col. 2 lines 18-22 "preferred system access times of the user are identified based at least in part on the user profile, and the system is automatically configured based at least in part on the user profile and the user's preferred system access times.'); and

downloading content based on the predicted access time (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The television schedule grid is interpreted to be the downloaded content.).

As for Claim 17, Williams et al. teach:

monitoring consumer usage to establish startup patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The starting time of the access times (6:00 pm in this example) is interpreted to be a start-up pattern); and

predicting at least one start-up time at least partially based on the start-up patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present invention would display only the programming options available during the 6:00 pm to

9:00 pm time period, even if the grid were to be displayed at 10200 am." 6:00 pm is

interpreted to be the start-up time that is predicted based on the users watching

pattern); and

downloading content relevant to a gateway screen based on the predicted start-

up time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of

various programs can be made via the television schedule grid. In this embodiment, a

user can select a particular portion of the grid by moving a cursor across the grid to a

cell in the grid that contains the title of the program to be selected and then "clicking"

the mouse button while the cursor is within the cell. System controller 104 can then ask

the user whether the selected program is to be watched or recorded and displayed or

record the program as requested by the user." The schedule grid that is downloaded is

interpreted to be a gateway screen because it provides the gateway for the user to

access the programming that the user wants to watch by clicking on a particular cell of

the grid).

As for Claim 18, Williams et al. teach:

monitoring consumer usage to establish shut-down patterns (see col. 7 line 59-

col. 8 line 3 "According to another embodiment of the present invention, the television

schedule grid displays the programming options available only during a particular time

period(s) of the day based on the user's preferred system access times." The end time

of the access times (9:00 pm in this example) is interpreted to be a shut-down pattern);

predicting at least one shut-down time at least partially based on the shutdown

patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch

television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present

invention would display only the programming options available during the 6:00 pm to

9:00 pm time period, even if the grid were to be displayed at 10:00 am." 9:00 pm is

interpreted to be the start-up time that is predicted based on the users watching

pattern); and

downloading content relevant to a gateway screen based on the predicted shut-

down time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection

of various programs can be made via the television schedule grid. In this embodiment,

a user can select a particular portion of the grid by moving a cursor across the grid to a

cell in the grid that contains the title of the program to be selected and then "clicking"

the mouse button while the cursor is within the cell. System controller 104 can then ask

the user whether the selected program is to be watched or recorded and displayed or

record the program as requested by the user." The schedule grid that is downloaded is

interpreted to be a gateway screen because it provides the gateway for the user to

access the programming that the user wants to watch by clicking on a particular cell of

the grid).

As for Claim 19, Williams et al. teach:

monitoring consumer usage to establish request for content patterns (see col, 13

lines 4-62 "System controller 104 then identifies patterns of recording behavior

corresponding to each of the source channels, step 510. System controller 104 can be

programmed to identify any of a wide variety of patterns, such as recording the same

time period (e.g., 1:30 pm to 2:00 pm, or 6:00 am to 7:00 am) of a particular channel

every day for at least a certain number (e.g., two) of immediately preceding days . . .");

predicting at least one future request time based at least partially on the request

for content patterns (see col. 13 lines 26-35 "Once the patterns are identified, system

controller 104 compares the identified patterns to the current programmed recording list,

step 515, and checks whether there are patterns identified which are about to be

broken, step 520.")., and

prompting the consumer to accept content based on the predicted request time

(see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken,

then system controller 104 either prompts the user as to whether the user wants to

record the channel at the time indicated by the pattern," Recoding the content of the

channel is interpreted to be accepting content).

As for Claim 20, Williams et al. teach if the consumer accepts the prompt,

downloading content (see col. 13 lines 49-54 "if there is a pattern which is potentially

about to be broken, then system controller 104 either prompts the user as to whether

the user wants to record the channel at the time indicated by the pattern, or alternatively

automatically programs the device to record, step 525." Recording the material is

interpreted to mean the same as downloading the program).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-

7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Vs
11/14/05

VIVEK SRIVASTAVA
PRIMARY EXAMINER